



DNREC/AIR QUALITY MANAGEMENT

LEGAL NOTICE PUBLIC HEARINGS

The Department of Natural Resources and Environmental Control (DNREC) will conduct four (4) separate public hearings on proposed amendments to Delaware's air regulations:

- **A public hearing on amendments to 7 DE Admin. Code 1141 Limiting Emissions of Volatile Organic Compounds from Consumer and Commercial Products, and corresponding amendments to the Delaware State Implementation Plan (SIP) for attainment of ground-level ozone standard.** The Department is proposing to amend 1141 by revising Section 3.0 "Portable Fuel Containers." Delaware adopted Section 3.0 in January 2001 in order to reduce volatile organic compound (VOC) emissions from portable fuel containers (i.e., gas cans). Effective January 1, 2009, the EPA began to regulate emissions from portable fuel containers under a federal rule (37 FR 8428). The federal rule provides for better emission control of portable fuel containers, and therefore achieves greater VOC emission reductions than the current Delaware regulation. As such, the Department proposes that 3.0 of 7 DE Admin. Code 1141 not apply to portable fuel containers manufactured on and after January 1, 2009, and that Delaware rely on the federal rule to control emissions from this source. Also, the Department proposes to make a corresponding revision to its ozone SIP, demonstrating that this revision and the reliance on the federal rule will not adversely impact Delaware's efforts for attaining the ozone air quality standard.
- **A public hearing on amendments to 7 DE Admin. Code 1125, Requirements for Preconstruction Review.** The Department is proposing to amend 1125 by revising Section 3.0, "Prevention of Significant Deterioration of Air Quality." 1125 regulates emissions of pollutants from new and modified facilities, and is organized by attainment status of pollutants emitted relative to federal national ambient air quality standards (NAAQS); 2.0 covers non-attainment and 3.0 covers attainment areas. This action is to amend 3.0 of 7 DE Admin. Code 1125 to cite explicitly that nitrogen oxides (NO_x) is a precursor to the formation of ground-level ozone. EPA requires this revision (see *73 FR 16205, March 27, 2008*) because they have determined the current regulatory language is not clear that NO_x, in addition to volatile organic compounds, is a ground-level ozone precursor. This action has no immediate impact because all of Delaware is classified as non-attainment of the ground-level ozone NAAQS, and regulated under 2.0 of 7 DE Admin. Code 1125; and 2.0 clearly states that NO_x is a precursor to the formation of ground-level ozone.
- **A public hearing on amendments to 7 DE Admin. Code 1138, Emission Standards for Hazardous Air Pollutants for Source Categories.** The Department is proposing to amend 1138 by adding a new Section 14 that will affect surface coating operations that spray apply coatings that contain any compounds of cadmium, chromium, lead, manganese or nickel. This proposed new section is based on a federal rule that the EPA promulgated at 40 CFR Part 63 Subpart HHHHHH, and existing requirements found in similar area source standards in 1138. The purpose of this proposed amendment is to provide increased protection for Delaware citizens against potential adverse health effects linked to a long term exposure to cadmium, chromium, lead, manganese, or nickel compounds. In addition, all of these compounds, except the manganese compounds, are classified as known or probable human carcinogens by the EPA. Note that this proposed amendment does not apply to facilities that apply surface coatings to motor vehicles (auto body shops) or mobile equipment; the Department plans to address these sources in 2010.
- **A public hearing on amendments to 7 DE Admin. Code 1124, Control of Volatile Organic Compounds.** The Department is proposing to amend 1124 by revising Section 2.0, "Definitions";

Section 12.0, "Surface Coating of Plastic Parts"; Section 19.0, "Coating of Metal Furniture"; Section 20.0, "Coating of Large Appliances"; and Section 22.0, "Coating of Miscellaneous Metal Parts." The purpose of these revisions is to conform to new Control Techniques Guidelines (CTG) documents issued by EPA. EPA requires all ozone non-attainment areas, including Delaware, to update regulations for emission sources covered in an EPA CTG, and to submit the regulations to EPA as State Implementation Plan (SIP) revisions. These revisions to 1124 reduce the volatile organic compound (VOC) contents of currently regulated coatings, regulate additional coating categories, require the use coating application equipment that provides for high transfer efficiency, and require that clean-up solvent emissions be included in regulatory applicability determinations.

These public hearings will be held on Tuesday, January 5, 2010, beginning at 6:00PM in the DNREC's Air Quality Management Office, 156 S. State Street, Dover, DE. The four separate hearings will be held in succession, in the order shown above, beginning at 6:00PM. Persons interested in one or more of the hearings should arrive by 6:00PM, as these changes are expected to be non-controversial and the hearings may progress quickly.

The proposed amendments may be inspected at the Department's offices located at 156 S. State Street, Dover and at 715 Grantham Lane, New Castle, or at <http://www.awm.delaware.gov/Info/Regs/Pages/AQMPlansRegs.aspx>, or in the December 1, 2009 edition of the Delaware Register of Regulations, which is available online at <http://regulations.delaware.gov/services/register.shtml>. For additional information or to make an appointment to inspect the proposed amendments, please contact Jim Snead in New Castle at (302) 323-4542, or Ron Amirikian in Dover at (302) 739-9402.

Interested parties may submit comments in writing on any of these proposed amendments by the end of the comment period, which will extend through January 5, 2010, or a longer period if designated by the hearing officer at the hearing. Statements and testimony may also be presented either orally or in writing at the January 5, 2010 public hearings. It is requested that those interested in presenting statements at the public hearings register in advance, and that written statements and comments be addressed to:

Jim Snead
DNREC - Air Quality Management Section
715 Grantham Lane
New Castle DE 19720
James.Snead@state.de.us

THIS IS THE ONLY TIME THIS NOTICE WILL APPEAR